

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

On September 19, 2008, plaintiff All Points Capital Corporation filed this action. Doc #1. On November 11, 2008, plaintiff filed proof of service on seven of the eight defendants listed in the complaint: Boris Gokhman, Vladimir Shuk, Todd Beasley, Ridgetop Hawaii, Inc, Pacific Rollforming, LLC,

1 Architectural Metal Products, Inc and Ridgetop Roofing and Gutter,
2 Inc. Doc ## 10-16. Plaintiff has not filed proof of service on
3 defendant Robert Ollman.

4 Plaintiff moved for summary judgment or alternatively for
5 summary adjudication on April 10, 2009. Doc #31. On May 18, 2009,
6 the court ordered defendants to respond to plaintiff's motion not
7 later than May 28. Doc #34. Defendants did not file a memorandum
8 in opposition or a statement of nonopposition to plaintiff's motion
9 by the ordered date. On June 30, 2009, the court granted
10 plaintiff's motion for summary judgment with respect to all
11 defendants served as of August 5, 2008 in the amount of
12 \$475,417.68, together with per diem interest in the amount of
13 \$300.80, attorney fees as of March 25, 2009 in the amount of
14 \$33,134.53, rent charges in the amount of \$3,500.00 and post-
15 judgment interest from the date of entry of the judgment. Doc #36.
16 The court dismissed the action against defendant Ollman for failure
17 to serve. Doc #36.

18 On July 14, 2009, plaintiff moved for leave to file a
19 motion for reconsideration, or, in the alternative, to modify the
20 order granting summary judgment. Doc #37. Plaintiff requested
21 that the court modify its June 30 order to include turnover of
22 collateral. Doc #37. Plaintiff's motion advised the court that on
23 April 16, 2009 an involuntary bankruptcy petition was filed in the
24 United States Bankruptcy Court, Northern District of California,
25 against defendant Pacific Rollforming. Doc #37.

26 Accordingly, defendants shall respond to plaintiff's
27 motion (Doc #37) on or before September 24, 2009. If defendants do
28 not respond, the court will issue a stay as to the Pacific

1 Rollforming bankruptcy proceeding titled In re: Pacific
2 Rollforming, LLC, Case No 09-43135 (EDJ).
3
4
5

6 IT IS SO ORDERED.
7
8



9 VAUGHN R WALKER
10 United States District Chief Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28